

Exhibit A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
BENTHOS MASTER FUND, LTD.,

Petitioner

- against -

AARON ETRA,

Respondent.
----- X

Case No. 20-cv-03384

**SUBPOENA
DUCES TECUM**

TO: Aaron Etra
240 East 47th Street, Apt. 12A
New York, New York 10017

445 Park Avenue, 9th Floor
New York, New York 10022

WHEREAS, in an action in the United States District Court, Southern District of New York, between petitioner-judgment creditor Benthos Master Fund, Ltd. (“Judgment Creditor”) and respondent-judgment debtor Aaron Etra (“You” or “Judgment Debtor”), an order was entered by the Clerk in the United States District Court, Southern District of New York, on August 13, 2020, in favor of Judgment Creditor and against You in the amount of \$5,254,561.12, plus the interest that has accrued on that amount since May 1, 2020 at a 4% simple interest per annum, in the amount of \$59,887.60, and will continue to accrue (the “Judgment”);

PLEASE TAKE NOTICE that, pursuant to Rule 69(a)(2) Federal Rules of Civil Procedure (the “Federal Rules”) Federal Rules and Section 5224(a)(2) of the New York Civil Practice Law and Rules (the “CPLR”), You are hereby commanded to produce the documents described in Schedule A

annexed hereto, at the offices of Kleinberg, Kaplan, Wolff & Cohen, P.C., 500 Fifth Avenue, New York, New York 10110, or via e-mail, on May 20, 2021.

PLEASE TAKE FURTHER NOTICE that false swearing or failure to comply with this Subpoena is punishable as a contempt of court, and You may be held liable for a fine for all losses and damages sustained by the party aggrieved.

Dated: May 11, 2021

KLEINBERG, KAPLAN, WOLFF & COHEN, P.C.



By: _____
Steven R. Popofsky
Pamela A. Frederick

500 Fifth Avenue
New York, New York 10110
Telephone: (212) 986-6000
Facsimile: (212) 986-8866
Email: SPopofsky@kkwc.com
PFrederick@kkwc.com

Attorneys for Petitioner/Judgment Creditor
BENTHOS MASTER FUND, LTD.

SCHEDULE A

Definitions

A. The term “document(s)” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a),¹ and specifically includes (but is not limited to) electronic documents, electronic or computerized data compilations, and internal notes and memoranda (whether or not specifically referenced in any demand). A draft or non-identical copy is a separate document within the meaning of this term.

B. The term “concerning” means relating to, referring to, reflecting, describing, evidencing, or constituting.

C. All references to any individual or any entity (including but not limited to parties to this suit) shall be deemed to include all officers, employees, representatives, agents, or successors of the relevant person or entity, as applicable.

D. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery demand all responses that might otherwise be construed to be outside its scope.

E. The term “Benthos Master Fund, Ltd.” shall mean Petitioner and Judgment Creditor Benthos Master Fund, Ltd.

F. The term “communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

¹ “. . . writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations . . . stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into reasonably usable form.”

G. “You” and “Your” means the person or entity responding to these requests and all other persons acting or purporting to act on Your behalf, including all present and former affiliates, officers, directors, executives, partners, employees, principals, managers, staff personnel, accountants, agents, representatives, in-house attorneys, assigns, successors or predecessors in interest, independent contractors, advisors, and consultants.

Instructions

H. To the extent that any of the following demands may be subject to a claim of privilege, respond to so much of such demand as does not require, in your view, disclosure of privileged information. As to every document withheld on the ground of privilege: (1) identify the nature of the document, including whether it includes or contains an attachment; (2) identify and describe the subject matter of the document; (3) specify the date(s) upon which the document was prepared and/or transmitted; (4) identify the person(s) who prepared the document and to whom the document was circulated, (5) identify all persons now in possession of the document; and (6) describe the claim of privilege and state the factual basis for the claim.

I. If any required document has been destroyed or discarded, identify the document by providing the information called for in subparagraphs (1) through (5) of the preceding paragraph, and provide the date of destruction or discard and the reason therefor.

J. If any computer which contained responsive documents has been destroyed or discarded, identify the prior location of such computer, the person or department to whom or to which it was assigned, the date of destruction or discarding, the reason for destruction or discarding, and the identity of the person who authorized destruction or discarding.

K. To the extent that you consider any portion of the following demands objectionable, state specifically the portion of each demand that is claimed to be objectionable, specify the grounds for each such objection, and otherwise respond to the remainder of the demand.

L. This request shall be deemed continuing in nature, and you shall promptly produce in the form of supplementary document productions any document demanded herein that subsequently is discovered or obtained by, or becomes available to, you or your attorneys subsequent to your response to this request.

M. Documents should be produced as they are kept in the usual course of business or must be organized and labeled to correspond to the categories in this request.

N. This subpoena seeks the production of documents created, dated, sent or received during the periods set forth below.

Documents Subpoenaed

1. The financial documents You provided to Magistrate Judge Parker in March 2021 in connection with her order dated March 1, 2021 (Dkt. 63).

2. All documents concerning any efforts by You, from February 26, 2021 through the date of your response to this subpoena, to obtain money to satisfy, in whole or in part, the Judgment and/or the settlement agreement reached in this matter on April 1, 2021, including but not limited to e-mail and other communications between You and anyone else concerning the foregoing.